

Did you File For Divorce and Your Spouse Did Not Respond? “Default Judgment”

HOW TO:

- Finish the last step in your divorce IF your husband or wife’s default has *already* been entered.

WHEN TO USE:

- After you’ve filed and served the Petition and Summons in your divorce/legal separation case and your husband or wife’s “default” has been entered.
- Note: If you or your husband or wife have a retirement plan or own a home, see a private attorney about how to handle this part of your divorce.
- Note: If you have children and have a child support order already, you will attach it and refer to it in your judgment. If you don’t have a child support order already you will need to get help to create one to include with the Judgment. To get help with this visit the Family Law Facilitator Office at 99 Notre Dame Avenue, San Jose, CA, 408-882-2900.

*Self Service Center Superior Court
County of Santa Clara
99 Notre Dame Avenue
San Jose, CA 95113
408.882.2900 x-2926*

www.scsel service.org
Santa Clara County
Self-Help website

www.sccsuperiorcourt.org
Santa Clara County
General website

www.courtinfo.ca.gov/selfhelp
State of California
Self-Help website

INSTRUCTIONS

A. Fill out the attached blank forms (type or print neatly in blue or black ink) using the attached sample forms as a guide:

- **Judgment** (form #FL-180)
- **Notice of Entry of Judgment** (form #FL-190)
- **Optional – Property Order Attachment to Judgment** (form #FL-345)
- **Optional – Child Custody and Visitation Order Attachment** (form # FL-341, there are other child custody attachments, too, that you can include)
- **Optional – Marital Settlement Agreement/Stipulated Judgment** (not a form, it's created by you and your husband/wife)

B. How to File Your Papers:

Follow these easy steps *in order* from, from 1 to 5:

1. Fill out your Judgment and Notice of Entry of Judgment using the attached samples as a guide.
2. Make **2 copies** of your completed Notice of Entry of Judgment and **4 copies** of your Judgment.
3. Call the calendar office at (408) 534-5710 to request a "default" hearing date.

IMPORTANT: You can NOT set a hearing date until your husband or wife's default has been entered!! - Get legal help if you don't know what this means.
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Ask the clerk to give you a date for a "default divorce hearing". These hearings take place at 170 Park Center Plaza on Fridays. Once you know your hearing date, time and judge, fill in section 2 on the Judgment form.

4. When you go to your hearing, bring:
 - the original and copies of the Judgment and Notice of Entry of Judgment.
 - one stamped envelope with your address and one stamped envelope with your spouse's address (or last known address) to the hearing. Put the court's address in the return address place.
5. At the hearing, the judge will ask you some questions and either approve or not approve your divorce. If the judge approves your divorce, s/he will sign the Judgment form. If s/he signs the Judgment form, bring your signed papers and envelopes to the clerk's office. If your Judgment is not approved, you may return to the Self-Service Center for help.